UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1993/3/Rev.5
26 October 2001

Original: ENGLISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

STATUS OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AND RESERVATIONS, WITHDRAWALS, DECLARATIONS AND OBJECTIONS UNDER THE COVENANT

Note by the Secretary-General

CONTENTS

		Page
Introduction		4
Chapter		
I.	LIST OF STATES WHICH HAVE RATIFIED OR ACCEDED TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 1 OCTOBER 2001 (145)	5
II.	TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS	9
	A. Declarations and reservations	
	Afghanistan	9
	Algeria	9
	Bangladesh	10
	Barbados	10

GE.01-45526 (E) 141101

CONTENTS (continued)

Chapter		Page
II. (cont'd)	Belgium	11
	Bulgaria	11
	China	11
	Denmark	12
	Egypt	12
	France	12
	Guinea	13
	Hungary	13
	India	14
	Iraq	14
	Ireland	15
	Japan	15
	Kenya	16
	Kuwait	16
	Libyan Arab Jamahiriya	16
	Madagascar	17
	Malta	17
	Mexico	17
	Monaco	17
	Mongolia	18
	Netherlands	18
	New Zealand	19
	Norway	19
	Romania	19
	Russian Federation	20
	Rwanda	20
	Sweden	20
	Syrian Arab Republic	20
	Thailand	21
	Trinidad and Tobago	21
	Ukraine	21
	United Kingdom of Great Britain and Northern Ireland	21
	Viet Nam	23
	Yemen	23
	Zambia	23
B.	Withdrawal of reservations	
	Belarus	24
	Congo	24
	Malta	24

CONTENTS (continued)

Chapter			Page
II. (cont'd)	C.	Objections to reservations and declarations	
		Finland	25
		France	26
		Germany	26
		Italy	28
		Netherlands	28
		Norway	30
		Portugal	30
		Sweden	31
III.		TERRITORIAL APPLICATION	33
		Netherlands	33
		Portugal	33
		United Kingdom of Great Britain and Northern Ireland	33
Annex:		States parties which made reservations and declarations	38

Introduction

1. This document contains the texts of the reservations, withdrawals of reservations, declarations and objections made by States with respect to the International Covenant on Economic, Social and Cultural Rights as at 1 October 2001 and is based upon Multilateral Treaties Deposited with the Secretary-General: Status as at 31 December 2000[1] and upon notifications received by the Secretary-General to this date. As indicated in paragraph 10 of the introduction to that publication, the texts of reservations, declarations and objections are normally reproduced in full. Unless shown in quotation marks, the text is a translation by the Secretariat.

I. LIST OF STATES WHICH HAVE RATIFIED OR ACCEDED TO THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS AS AT 1 OCTOBER 2001 (145)

Adoption by the General Assembly of the United Nations on 16 December 1966[2]

ENTRY INTO FORCE: 3 January 1976, in accordance with article 27
REGISTRATION: 3 January 1976, No. 14531
TEXT: United Nations, Treaty Series, vol. 993, p. 3

Note: The Covenant was opened for signature at New York on 19 December 1966.

State party	Date of receipt of the instrument of ratification, accession[a] or succession[b]	Date of entry into force
Afghanistan	24 January 1983[a]	24 April 1983
Albania	4 October 1991[a]	4 January 1992
Algeria	12 September 1989	12 December 1989
Angola	10 January 1992[a]	10 April 1992
Argentina[3]	8 August 1986	8 November 1986
Armenia	13 September 1993[a]	13 December 1993
Australia	10 December 1975	10 March 1976
Austria	10 September 1978	10 December 1978
Azerbaijan	13 August 1992[a]	13 November 1992
Bangladesh	5 October 1998[a]	5 January 1999
Barbados	5 January 1973[a]	3 January 1976
Belarus	12 November 1973	3 January 1976
Belgium	21 April 1983	21 July 1983
Benin	12 March 1992[a]	12 June 1992
Bolivia	12 August 1982[a]	12 November 1982
Bosnia and Herzegovina	6 March 1992[b]	6 March 1992
Brazil	24 January 1992[a]	24 April 1992
Bulgaria	21 September 1970	3 January 1976
Burkina Faso	4 January 1999	4 April 1999
Burundi	9 May 1990[a]	9 August 1990
Cambodia	26 May 1992[a]	26 August 1992
Cameroon	27 June 1984[a]	27 September 1984
Canada	19 May 1976[a]	19 August 1976
Cape Verde	6 August 1993[a]	6 November 1993
Central African Republic	8 May 1981[a]	8 August 1981
Chad	9 June 1995[a]	9 September 1995
Chile	10 February 1972	3 January 1976
China	27 March 2001	27 June 2001
Colombia	29 October 1969	3 January 1976
Congo	5 October 1983[a]	5 January 1984

State party	Date of receipt of the instrument of ratification, accession[a] or succession[b]	Date of entry into force
Costa Rica	29 November 1968	3 January 1976
Côte d'Ivoire	26 March 1992[a]	26 June 1992
Croatia	12 October 1992[b]	8 October 1991
Cyprus	2 April 1969	3 January 1976
Czech Republic	1 January 1993[b]	1 January 1993
Democratic People's Republic of Korea	14 September 1981[a]	14 December 1981
Democratic Republic of the Congo	1 November 1996	1 February 1997
Denmark	6 January 1972	3 January 1976
Dominica	17 June 1993[a]	17 September 1993
Dominican Republic	4 January 1978[a]	4 April 1978
Ecuador	6 March 1969	3 January 1976
Egypt	14 January 1982	14 April 1982
El Salvador	30 November 1979	29 February 1980
Equatorial Guinea	25 September 1987[a]	25 December 1987
Eritrea	17 April 2001[a]	17 July 2001
Estonia	21 October 1991[a]	21 January 1992
Ethiopia	11 June 1993	11 September 1993
Finland	19 August 1975	3 January 1976
France	4 November 1980[a]	4 February 1981
Gabon	21 January 1983[a]	21 April 1983
Gambia	29 December 1978[a]	29 March 1979
Georgia	3 May 1994[a]	3 August 1994
Germany	17 December 1973	3 January 1976
Ghana	7 September 2000	7 December 2000
Greece	16 May 1985[a]	16 August 1985
Grenada	6 September 1991[a]	6 December 1991
Guatemala	19 May 1988[a]	19 August 1988
Guinea	24 January 1978	24 April 1978
Guinea-Bissau	2 July 1992[a]	2 October 1992
Guyana	15 February 1977	15 May 1977
Honduras	17 February 1981[a]	17 May 1981
Hungary	17 January 1974	3 January 1976
Iceland	22 August 1979	22 November 1979
India	10 April 1979[a]	10 July 1979
Iran (Islamic Republic of)	24 June 1975	3 January 1976
Iraq	25 January 1971	3 January 1976
Ireland	8 December 1989	8 March 1990
Israel	3 October 1991	3 January 1992
Italy	15 September 1978	15 December 1978

State party	Date of receipt of the instrument of ratification, accession[a] or succession[b]	Date of entry into force
Jamaica	3 October 1975	3 January 1976
Japan	21 June 1979	21 September 1979
Jordan	28 May 1975	3 January 1976
Kenya	1 May 1972[a]	3 January 1976
Kuwait	21 May 1996[a]	21 August 1996
Kyrgyzstan	7 October 1994[a]	7 January 1995
Latvia	14 April 1992[a]	14 July 1992
Lebanon	3 November 1972[a]	3 January 1976
Lesotho	9 September 1992[a]	9 December 1992
Libyan Arab Jamahiriya	15 May 1970[a]	3 January 1976
Liechtenstein	10 December 1998	10 March 1999
Lithuania	20 November 1991[a]	20 February 1992
Luxembourg	18 August 1983	18 November 1983
Madagascar	22 September 1971[a]	3 January 1976
Malawi	22 December 1993[a]	22 March 1994
Mali	16 July 1974[a]	3 January 1976
Malta	13 September 1990	13 December 1990
Mauritius	12 December 1973[a]	3 January 1976
Mexico	23 March 1981[a]	23 June 1981
Monaco	28 August 1997	28 November 1997
Mongolia	18 November 1974	3 January 1976
Morocco	3 May 1979	3 August 1979
Namibia	22 November 1994[a]	28 February 1995
Nepal	14 May 1991[a]	14 August 1991
Netherlands	11 December 1978	11 March 1979
New Zealand	28 December 1978	28 March 1979
Nicaragua	12 March 1980[a]	12 June 1980
Niger	7 March 1986[a]	7 June 1986
Nigeria	29 July 1993[a]	29 October 1993
Norway	13 September 1972	3 January 1976
Panama	8 March 1977	8 June 1977
Paraguay	10 June 1992[a]	10 September 1992
Peru	28 April 1978	28 July 1978
Philippines	7 June 1974	3 January 1976
Poland	18 March 1977	18 June 1977
Portugal	31 July 1978	31 October 1978
Republic of Korea	10 April 1990[a]	10 July 1990
Republic of Moldova	26 January 1993	26 April 1993
Romania	9 December 1974	3 January 1976
Russian Federation	16 October 1973	3 January 1976
Rwanda	16 April 1975[a]	3 January 1976
Saint Vincent and the Grenadines	9 November 1981[a]	9 February 1982

State party	Date of receipt of the instrument of ratification, accession[a] or succession[b]	Date of entry into force
San Marino	18 October 1985[a]	18 January 1986
Senegal	13 February 1978	13 May 1978
Seychelles	5 May 1992[a]	5 August 1992
Sierra Leone	23 August 1996[a]	23 November 1996
Slovakia	28 May 1993[b]	
Slovenia	6 July 1992[a]	25 June 1991
Solomon Islands[4]	17 March 1982[b]	17 March 1982
Somalia	24 January 1990[a]	24 April 1990
Spain	27 April 1977	27 July 1977
Sri Lanka	11 June 1980[a]	11 September 1980
Sudan	18 March 1986[a]	18 June 1986
Suriname	28 December 1976[a]	28 March 1977
Sweden	6 December 1971	3 January 1976
Switzerland	18 June 1992[a]	18 September 1992
Syrian Arab Republic	21 April 1969[a]	3 January 1976
Tajikistan	4 January 1999[a]	4 April 1999
Thailand	5 September 1999[a]	5 December 1999
The former Yugoslav Republic of Macedonia	18 January 1994[b]	18 January 1994
Togo	24 May 1984[a]	24 August 1984
Trinidad and Tobago	8 December 1978[a]	8 March 1979
Tunisia	18 March 1969	3 January 1976
Turkmenistan	1 May 1997[a]	1 August 1997
Uganda	21 January 1987[a]	21 April 1987
Ukraine	12 November 1973	3 January 1976
United Kingdom of Great Britain and Northern Ireland	20 May 1976	20 August 1976
United Republic of Tanzania	11 June 1976[a]	11 September 1976
Uruguay	1 April 1970	3 January 1976
Uzbekistan	28 September 1995	28 December 1995
Venezuela	10 May 1978	10 August 1978
Viet Nam	24 September 1982[a]	24 December 1982
Yemen	9 February 1987[a]	9 May 1987
Yugoslavia	2 June 1971	3 January 1976
Zambia	10 April 1984[a]	10 July 1984
Zimbabwe	13 May 1991[a]	13 August 1991

II. TEXTS OF DECLARATIONS, RESERVATIONS, WITHDRAWALS AND OBJECTIONS

(Unless otherwise indicated, the declarations and reservations were made upon ratification, accession or succession.)

A. Declarations and reservations

AFGHANISTAN

[Original: Dari]

Declaration:

The presiding body of the Revolutionary Council of the Democratic Republic of Afghanistan declares that the provisions of paragraphs 1 and 3 of article 48 of the International Covenant on Civil and Political Rights and provisions of paragraphs 1 and 3 of article 26 of the International Covenant on Economic, Social and Cultural Rights, according to which some countries cannot join the aforesaid Covenants, contradicts the international character of the aforesaid treaties. Therefore, according to the equal rights to all States to sovereignty, both Covenants should be left open for the purpose of the participation of all States.

ALGERIA

[Original: French]

Interpretative declarations:

1. The Algerian Government interprets article 1, which is common to the two Covenants, as in no case impairing the inalienable right of all peoples to self-determination and to control over their natural wealth and resources. It further considers that the maintenance of the State of dependence of certain territories referred to in article 1, paragraph 3, of the two Covenants and in article 14 of the International Covenant on Economic, Social and Cultural Rights is contrary to the purposes and principles of the United Nations, to the Charter of the Organization and to the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)).

2. The Algerian Government interprets the provisions of article 8 of the International Covenant on Economic, Social and Cultural Rights and article 22 of the International Covenant on Civil and Political Rights as making the law the framework for action by the State with respect to the organization an exercise of the right to organize.

3. The Algerian Government considers that the provisions of article 13, paragraphs 3 and 4, of the International Covenant on Economic, Social and Cultural Rights can in no case impair its right freely to organize its educational system.

4. The Algerian Government interprets the provisions of article 23, paragraph 4, of the International Covenant on Civil and Political Rights regarding the rights and responsibilities of spouses as to marriage, during marriage and at its dissolution as in no way impairing the essential foundations of the Algerian legal system.

BANGLADESH

[Original: English]

Declarations:

Article 1

It is the understanding of the Government of the People's Republic of Bangladesh that the words "the right of self-determination of peoples" appearing in this article apply in the historical context of colonial rule, administration, foreign domination, occupation and similar situations.

Articles 2 and 3

The Government of the People's Republic of Bangladesh will implement articles 2 and 3 insofar as they relate to equality between man and woman, in accordance with the relevant provisions of its Constitution and, in particular, in respect to certain aspects of economic rights, viz. laws of inheritance.

Articles 7 and 8

The Government of the People's Republic of Bangladesh will apply articles 7 and 8 under the conditions and in conformity with the procedures established in the Constitution and the relevant legislation of Bangladesh.

Articles 10 and 13

While the Government of the People's Republic of Bangladesh accepts the provisions embodied in articles 10 and 13 of the Covenant in principle, it will implement the said provisions in a progressive manner, in keeping with the existing economic conditions and the development plans of the country.

BARBADOS

[Original: English]

The Government of Barbados states that it reserves the right to postpone:

(a) The application of subparagraph (a) (1) of article 7 of the Covenant insofar as it concerns the provision of equal pay to men and women for equal work;

(b) The application of article 10 (2) insofar as it relates to the special protection to be accorded mothers during a reasonable period during and after childbirth; and

(c) The application of article 13 (2) (a) of the Covenant, insofar as it relates to primary education; since, while the Barbados Government fully accepts the principles embodied in the same articles and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation are such that full application of the principles in question cannot be guaranteed at this stage.

BELGIUM

[Original: French]

Interpretative declaration:

1. With respect to article 2, paragraph 2, the Belgian Government interprets non-discrimination as to national origin as not necessarily implying an obligation on States automatically to guarantee to foreigners the same rights as to their nationals. The terms should be understood to refer to the elimination of any arbitrary behaviour but not of differences in treatment based on objective and reasonable considerations, in conformity with the principles prevailing in democratic societies.

2. With respect to article 2, paragraph 3, the Belgian Government understands that this provision cannot infringe the principle of fair compensation in the event of expropriation or nationalization.

BULGARIA

[Original: Bulgarian]

The People's Republic of Bulgaria deems it necessary to underline that the provisions of article 48, paragraphs 1 and 3, of the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. These provisions are inconsistent with the very nature of the Covenants, which are universal in character and should be open for accession by all States. In accordance with the principle of sovereign equality, no State has the right to bar other States from becoming parties to a covenant of this kind.

CHINA

[Original: Chinese]

Statement

In accordance with the decision made by the Standing Committee of the Ninth National People's Congress of the People's Republic of China at its twentieth session, the President of the People's Republic of China hereby ratifies the International Covenant on Economic, Social and Cultural Rights, which was signed by Mr. Qin Huasun on behalf of the People's Republic of China on 27 October 1997, and declares the following:

1. The application of article 8.1 (a) of the Covenant to the People's Republic of China shall be consistent with the relevant provisions of the Constitution of the People's Republic of China, trade union law of the People's Republic of China and labour law of the People's Republic of China;

2. In accordance with the official notes addressed to the Secretary-General of the United Nations by the Permanent Representative of the People's Republic of China to the United Nations on 20 June 1997 and 2 December 1999 respectively, the International Covenant on Economic, Social and Cultural Rights shall be applicable to the Hong Kong Special Administrative Region of the People's Republic of China and the Macau Special Administrative Region of the People's Republic of China and shall, pursuant to the provisions of the Basic Law of the Hong Kong Special Administrative Region of the People's Republic of China and the Basic Law of the Macau Special Administrative Region of the People's Republic of China, be implemented through the respective laws of the two special administrative regions; and

3. The signature that the Taiwan authorities affixed, by usurping the name of "China", to the International Covenant on Economic, Social and Cultural Rights on 5 October 1967, is illegal and null and void.

DENMARK[5]

[Original: English]

The Government of Denmark cannot, for the time being, undertake to comply entirely with the provisions of article 7 (d) on remuneration for public holidays.

EGYPT[6]

[Original: Arabic]

... taking into consideration the provisions of the Islamic sharia and the fact that they do not conflict with the text annexed to the instrument ... we accept, support and ratify it.

FRANCE

[Original: French]

Declarations:

1. The Government of the Republic considers that, in accordance with Article 103 of the Charter of the United Nations, in case of conflict between its obligations under the Covenant and its obligations under the Charter (especially Articles 1 and 2 thereof), its obligations under the Charter will prevail.

2. The Government of the Republic declares that articles 6, 9, 11 and 13 are not to be interpreted as derogating from provisions governing the access of aliens to employment or as establishing residence requirements for the allocation of certain social benefits.

3. The Government of the Republic declares that it will implement the provisions of article 8 in respect of the right to strike in conformity with article 6, paragraph 4, of the European Social Charter according to the interpretation thereof given in the annex to that Charter.

GUINEA

[Original: French]

In accordance with the principle whereby all States whose policies are guided by the purposes and principles of the Charter of the United Nations are entitled to become parties to covenants affecting the interests of the international community, the Government of the Republic of Guinea considers that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are contrary to the principle of the universality of international treaties and the democratization of international relations.

The Government of the Republic of Guinea likewise considers that article 1, paragraph 3, and the provisions of article 14 of that instrument are contrary to the provisions of the Charter of the United Nations, in general, and United Nations resolutions on the granting of independence to colonial countries and peoples, in particular.

The above provisions are contrary to the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations contained in General Assembly resolution 2625 (XXV), pursuant to which every State has the duty to promote realization of the principle of equal rights and self-determination of peoples in order to put an end to colonialism.

HUNGARY

[Original: English]

Upon signature:

The Government of the Hungarian People's Republic declares that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights according to which certain States may not become signatories to the said Covenants are of a discriminatory nature and are contrary to the basic principle of international law that all States are entitled to become signatories to general multilateral treaties. These discriminatory provisions are incompatible with the objectives and purposes of the Covenants.

Upon ratification:

The Presidential Council of the Hungarian People's Republic declares that the provisions of article 48, paragraphs 1 and 3, of ... the International Covenant on Civil and Political Rights, and article 26, paragraphs 1 and 3, of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the universal character of the Covenants. It follows from the principle of sovereign equality of States that the Covenants should be open for participation by all States without any discrimination or limitation.

INDIA

[Original: English]

Declarations:

I. With reference to article 1 of the International Covenant on Economic, Social and Cultural Rights, ... the Government of the Republic of India declares that the words "the right of self-determination" appearing in [this article] apply only to the peoples under foreign domination and that these words do not apply to sovereign independent States or to a section of a people, or nation - which is the essence of national integrity.

II. With reference to article 9 of the International Covenant on Civil and Political Rights, the Government of the Republic of India takes the position that the provisions of the article shall be so applied as to be in consonance with the provisions of clauses (3) to (7) of article 22 of the Constitution of India. Further, under the Indian Legal System, there is no enforceable right to compensation for persons claiming to be victims of unlawful arrest or detention against the State.

III. With respect to article 13 of the International Covenant on Civil and Political Rights, the Government of the Republic of India reserves its right to apply its law relating to foreigners.

IV. With reference to articles 4 and 8 of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said [article] shall be so applied as to be in conformity with the provisions of article 19 of the Constitution of India.

V. With reference to article 7 (c) of the International Covenant on Economic, Social and Cultural Rights, the Government of the Republic of India declares that the provisions of the said article shall be so applied as to be in conformity with the provisions of article 16 (4) of the Constitution of India.

IRAQ[7]

[Original: Arabic]

Upon signature and confirmed upon ratification:

The entry of the Republic of Iraq as a party to the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights shall in no way signify recognition of Israel nor shall it entail any obligation towards Israel under the said two Covenants.

The entry of the Republic of Iraq as a party to the above two Covenants shall not constitute entry by it as a party to the Optional Protocol to the International Covenant on Civil and Political Rights.

Upon ratification:

Ratification by Iraq ... shall in no way signify recognition of Israel nor shall it be conducive to entry with her into such dealings as are regulated by the said [Covenant].

IRELAND

[Original: English]

Reservations made upon ratification:

Article 2, paragraph 2

In the context of Government policy to foster, promote and encourage the use of the Irish language by all appropriate means, Ireland reserves the right to require, or give favourable consideration to, a knowledge of the Irish language for certain occupations.

Article 13, paragraph 2 (a)

Ireland recognizes the inalienable right and duty of parents to provide for the education of children, and, while recognizing the State's obligations to provide for free primary education and requiring that children receive a certain minimum education, nevertheless reserves the right to allow parents to provide for the education of their children in their homes provided that these minimum standards are observed.

JAPAN

[Original: Japanese]

Reservations and declarations made upon signature and confirmed upon ratification:

1. In applying the provisions of paragraph (d) of article 7 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by "remuneration for public holidays" referred to in the said provisions.

2. Japan reserves the right not to be bound by the provisions of subparagraph (d) of paragraph 1 of article 8 of the International Covenant on Economic, Social and Cultural Rights, except in relation to the sectors in which the right referred to in the said provisions is accorded in accordance with the laws and regulations of Japan at the time of ratification of the Covenant by the Government of Japan.

3. In applying the provisions of subparagraphs (b) and (c) of paragraph 2 of article 13 of the International Covenant on Economic, Social and Cultural Rights, Japan reserves the right not to be bound by "in particular by the progressive introduction of free education" referred to in the said provisions.

4. Recalling the position taken by the Government of Japan, when ratifying the Convention (No. 87) concerning Freedom of Association and Protection of the Right to Organise, that "the police" referred to in article 9 of the said Convention be interpreted to include the fire service of Japan, the Government of Japan declares that "members of the police" referred to in paragraph 2 of article 8 of the International Covenant on Economic Social and Cultural Rights as well as in paragraph 2 of article 22 of the International Covenant on Civil and Political Rights be interpreted to include fire service personnel of Japan.

KENYA

[Original: English]

While the Kenya Government recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant, the present circumstances obtaining in Kenya do not render necessary or expedient the imposition of those principles by legislation.

KUWAIT

[Original: Arabic]

Interpretative declaration regarding article 2, paragraph 2, and article 3

Although the Government of Kuwait endorses the worthy principles embodied in article 2, paragraph 2, and article 3 as consistent with the provisions of the Kuwait Constitution in general and of its article 29 in particular, it declares that the rights to which the articles refer must be exercised within the limits set by Kuwaiti law.

Interpretative declaration regarding article 9

The Government of Kuwait declares that while Kuwaiti legislation safeguards the rights of all Kuwaiti and non-Kuwaiti workers, social security provision applies only to Kuwaitis.

Reservation concerning article 8, paragraph 1 (d)

The Government of Kuwait reserves the right not to apply the provisions of article 8, paragraph 1 (d).

LIBYAN ARAB JAMAHIRIYA[7]

[Original: English]

The acceptance and the accession to this Covenant by the Libyan Arab Jamahiriya shall in no way signify a recognition of Israel or be conducive to entry by the Libyan Arab Jamahiriya into such dealings with Israel as are regulated by the Covenant.

MADAGASCAR

[Original: French]

The Government of Madagascar states that it reserves the right to postpone the application of article 13, paragraph 2, of the Covenant, more particularly insofar as it relates to primary education, since, while the Malagasy Government fully accepts the principles embodied in the said paragraph and undertakes to take the necessary steps to apply them in their entirety at the earliest possible date, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

MALTA

[Original: English]

The Government of Malta declares that it is in favour of upholding the principle affirmed in the words [of art. 13, para. 3] "and to ensure the religious and moral education of their children in conformity with their own convictions". However, having regard to the fact that the population of Malta is overwhelmingly Roman Catholic, it is difficult also in view of limited financial and human resources, to provide such education in accordance with a particular religious or moral belief in cases of small groups, in which cases are very exceptional in Malta.

MEXICO

[Original: Spanish]

Interpretative statement:

The Government of Mexico accedes to the International Covenant on Economic, Social and Cultural Rights with the understanding that article 8 of the Covenant shall be applied in the Mexican Republic under the conditions and in conformity with the procedure established in the applicable provisions of the Political Constitution of the United Mexican States and the relevant implementing legislation.

MONACO

[Original: French]
[26 June 1997]

Interpretative declarations and reservations made upon signature and confirmed upon ratification:

The Princely Government declares that it interprets the principle of non-discrimination on the grounds of national origin, embodied in article 2, paragraph 2, as not necessarily implying an automatic obligation on the part of States to guarantee foreigners the same rights as their nationals.

The Princely Government declares that articles 6, 9, 11 and 13 should not be constituting an impediment to provisions governing access to work by foreigners or fixing conditions of residence for the granting of certain social benefits.

The Princely Government declares that it considers article 8, paragraph 1, subparagraphs (a), (b) and (c) on the exercise of trade union rights to be compatible with the appropriate legislative provisions regarding the formalities, conditions and procedures designed to ensure effective trade union representation and to promote harmonious labour relations.

The Princely Government declares that in implementing the provisions of article 8 relating to the exercise of the right to strike, it will take into account the requirements, conditions, limitations and restrictions which are prescribed by law and which are necessary in a democratic society in order to guarantee the rights and freedoms of others or to protect public order (ordre public), national security, public health or morals.

Article 8, paragraph 2, should be interpreted as applying to the members of the police force and agents of the State, the Commune and public enterprises.

MONGOLIA

[Original: English]

Declaration made upon signature and confirmed upon ratification:

The Mongolian People's Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

NETHERLANDS

[Original: English]

Reservation with respect to article 8, paragraph 1 (d):

The Kingdom of the Netherlands does not accept this provision in the case of the Netherlands Antilles with regard to the latter's central and local government bodies.

Explanation:

[The Kingdom of the Netherlands] clarify that although it is not certain whether the reservation [...] is necessary, [it] has preferred the form of a reservation to that of a declaration. In this way the Kingdom of the Netherlands wishes to ensure that the relevant obligation under the Covenant does not apply to the Kingdom as far as the Netherlands Antilles is concerned.

NEW ZEALAND

[Original: English]

The Government of New Zealand reserves the right not to apply article 8 to the extent that existing legislative measures, enacted to ensure effective trade union representation and encourage orderly industrial relations, may not be fully compatible with that article.

The Government of New Zealand reserves the right to postpone, in the economic circumstances foreseeable at the present time, the implementation of article 10 (2) as it relates to paid maternity leave or leave with adequate social security benefits.

NORWAY

[Original: English]

Subject to reservations to article 8, paragraph 1 (d), "to the effect that the current Norwegian practice of referring labour conflicts to the State Wages Board (a permanent tripartite arbitral commission in matters of wages) by Act of Parliament for the particular conflict, shall not be considered incompatible with the right to strike, this right being fully recognized in Norway".

ROMANIA

[Original: French]

Upon signature:

The Government of the Socialist Republic of Romania declares that the provisions of article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights are at variance with the principle that all States have the right to become parties to multilateral treaties governing matters of general interest.

Upon ratification:

(a) The State Council of the Socialist Republic of Romania considers that the provisions of article 26 (1) of the International Covenant on Economic, Social and Cultural Rights are inconsistent with the principle that multilateral international treaties whose purposes concern the international community as a whole must be open to universal participation.

(b) The State Council of the Socialist Republic of Romania considers that the maintenance in a state of dependence of certain territories referred to in articles 1 (3) and 14 of the International Covenant on Economic, Social and Cultural Rights is inconsistent with the Charter of the United Nations and the instruments adopted by the Organization on the granting of independence to colonial countries and peoples, including the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance

with the Charter of the United Nations, adopted unanimously by the United Nations General Assembly in its resolution 2625 (XXV) of 1970, which solemnly proclaims the duty of States to promote the realization of the principle of equal rights and self-determination of peoples in order to bring a speedy end to colonialism.

RUSSIAN FEDERATION

[Original: Russian]

Declaration made upon signature and confirmed upon ratification:

The Union of Soviet Socialist Republics declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

RWANDA

[Original: French]

The Rwandese Republic [is] bound, [...] in respect of education, only by the provisions of its Constitution.

SWEDEN

[Original: French]

Sweden enters a reservation in connection with article 7 (d) of the Covenant in the matter of the right to remuneration for public holidays.

SYRIAN ARAB REPUBLIC[7]

[Original: Arabic]

1. The accession of the Syrian Arab Republic to these two Covenants shall in no way signify recognition of Israel or entry into a relationship with it regarding any matter regulated by the said two Covenants.

2. The Syrian Arab Republic considers that paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and paragraph 1 of article 48 of the International Covenant on Civil and Political Rights are incompatible with the purposes and objectives of the said Covenants, inasmuch as they do not allow all States, without distinction or discrimination, the opportunity to become parties to the said Covenants.

THAILAND

[Original: English]

Interpretative declaration:

The Government of the Kingdom of Thailand declares that the term "self-determination" as appears in article 1, paragraph 1, of the Covenant shall be interpreted as being compatible with that expressed in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993.

TRINIDAD AND TOBAGO

[Original: English]

With respect to article 8 (1) (d) and 8 (2):

The Government of Trinidad and Tobago reserves the right to impose lawful and/or reasonable restrictions on the exercise of the aforementioned rights by personnel engaged in essential services under the Industrial Relations Act or under any Statute replacing same which has been passed in accordance with the provisions of the Trinidad and Tobago Constitution.

UKRAINE

[Original: Ukrainian]

Declaration made upon signature and confirmed upon ratification:

The Ukrainian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND

[Original: English]

Upon signature:

First, the Government of the United Kingdom declare their understanding that, by virtue of Article 103 of the Charter of the United Nations, in the event of any conflict between their obligations under article 1 of the Covenant and their obligations under the Charter (in particular, under Arts. 1, 2 and 73 thereof) their obligations under the Charter shall prevail.

Secondly, the Government of the United Kingdom declare that they must reserve the right to postpone the application of subparagraph (a) (i) of article 7 of the Covenant insofar as it concerns the provision of equal pay to men and women for equal work, since, while they fully accept this principle and are pledged to work towards its complete application at the earliest possible time, the problems of implementation are such that complete application cannot be guaranteed at present.

Thirdly, the Government of the United Kingdom declare that, in relation to article 8 of the Covenant, they must reserve the right not to apply subparagraph (b) of paragraph 1 in Hong Kong, insofar as it may involve the right of trade unions not engaged in the same trade or industry to establish federations or confederations.

Lastly, the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

Upon ratification:

Firstly, the Government of the United Kingdom maintain their declaration in respect of article 1 made at the time of signature of the Covenant.

The Government of the United Kingdom declare that for the purposes of article 2 (3) the British Virgin Islands, the Cayman Islands, the Gilbert Islands, the Pitcairn Islands Group, St. Helena and Dependencies, the Turks and Caicos Islands and Tuvalu are developing countries.

The Government of the United Kingdom reserve the right to interpret article 6 as not precluding the imposition of restrictions, based on place of birth or residence qualifications, on the taking of employment in any particular region or territory for the purpose of safeguarding the employment opportunities of workers in that region or territory.

The Government of the United Kingdom reserve the right to postpone the application of subparagraph (i) of paragraph (a) of article 7, insofar as it concerns the provision of equal pay to men and women for equal work in the private sector in Jersey, Guernsey, the Isle of Man, Bermuda, Hong Kong and the Solomon Islands.

The Government of the United Kingdom reserve the right not to apply subparagraph 1 (b) of article 8 in Hong Kong.

The Government of the United Kingdom while recognizing the right of everyone to social security in accordance with article 9 reserve the right to postpone implementation of the right in the Cayman Islands and the Falkland Islands because of shortage of resources in these territories.

The Government of the United Kingdom reserve the right to postpone the application of paragraph 1 of article 10 in regard to a small number of customary marriages in the Solomon Islands and the application of paragraph 2 of article 10 insofar as it concerns paid maternity leave in Bermuda and the Falkland Islands.

The Government of the United Kingdom maintain the right to postpone the application of subparagraph (a) of paragraph 2 of article 13, and article 14, insofar as they require compulsory primary education, in the Gilbert Islands, the Solomon Islands and Tuvalu.

Lastly the Government of the United Kingdom declare that the provisions of the Covenant shall not apply to Southern Rhodesia unless and until they inform the Secretary-General of the United Nations that they are in a position to ensure that the obligations imposed by the Covenant in respect of that territory can be fully implemented.

VIET NAM

[Original: Vietnamese]

Declaration:

That the provisions of article 48, paragraph 1, of the International Covenant on Civil and Political Rights, and article 26, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights, under which a number of States are deprived of the opportunity to become parties to the Covenants, are of a discriminatory nature. The Government of the Socialist Republic of Viet Nam considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States without any discrimination or limitation.

YEMEN

[Original: Arabic]

The accession of the People's Democratic Republic of Yemen to the [International Covenant on Economic, Social and Cultural Rights] [International Covenant on Civil and Political Rights] shall in no way signify recognition of Israel or serve as grounds for the establishment of relations of any sort with Israel.

ZAMBIA

[Original: English]

Reservation:

The Government of the Republic of Zambia states that it reserves the right to postpone the application of article 13 (2) (a) of the Covenant, insofar as it relates to primary education since while the Government of the Republic of Zambia fully accepts the principles embodied in the same article and undertakes to take the necessary steps to apply them in their entirety, the problems of implementation, and particularly the financial implications, are such that full application of the principles in question cannot be guaranteed at this stage.

B. Withdrawal of reservations

BELARUS

On 30 September 1992, the Government of Belarus notified the Secretary-General of its decision to withdraw the reservations, made upon accession on 12 November 1973 which read as follows:

[Original: Russian]

The Byelorussian Soviet Socialist Republic declares that the provisions of paragraph 1 of article 26 of the International Covenant on Economic, Social and Cultural Rights and of paragraph 1 of article 48 of the International Covenant on Civil and Political Rights, under which a number of States cannot become parties to these Covenants, are of a discriminatory nature and considers that the Covenants, in accordance with the principle of sovereign equality of States, should be open for participation by all States concerned without any discrimination or limitation.

CONGO

On 21 March 2001, the Government of the Congo informed the Secretary-General that it had decided to withdraw its reservation made upon accession which read as follows:

[Original: French]

Reservation:

The Government of the People's Republic of the Congo declares that it does not consider itself bound by the provisions of article 13, paragraphs 3 and 4 ...

Paragraphs 3 and 4 of article 13 of the International Covenant on Economic, Social and Cultural Rights embody the principle of freedom of education by allowing parents the liberty to choose for their children schools other than those established by the public authorities. Those provisions also authorize individuals to establish and direct educational institutions.

In our country, such provisions are inconsistent with the principle of nationalization of education and with the monopoly granted to the State in that area.

MALTA

On 13 September 1990, the Government of Malta notified the Secretary-General of its decision to withdraw the reservation made upon signature on 22 October 1968 which read as follows:

[Original: English]

The Government of Malta recognizes and endorses the principles laid down in paragraph 2 of article 10 of the Covenant. However, the present circumstances obtaining in Malta do not render necessary and do not render expedient the imposition of those principles by legislation.

C. Objections to reservations and declarations

(Unless otherwise indicated, the objections were made upon ratification, accession or succession.)

FINLAND

[Original: English]
[25 July 1997]

The Government of Finland has examined the interpretative declarations and reservation made by the Government of Kuwait at the time of its accession to the International Covenant on Economic, Social and Cultural Rights.

The Government of Finland notes that according to the interpretative declaration regarding article 2, paragraph 2, and article 3 the application of these articles of the Covenant is in a general way subjected to national law. The Government of Finland considers this interpretative declaration as a reservation of a general kind. The Government of Finland is of the view that such general reservation raises doubts as to the commitment of Kuwait to the object and purpose of the Covenant and would recall that a reservation incompatible with the object and purpose of the Covenant shall not be permitted.

The Government of Finland also considers the interpretative declaration to article 9 as a reservation and regards this reservation as well as the reservation to article 8, paragraph 1 (d), as problematic in view of the object and purpose of the Covenant.

It is in the common interests of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of Finland is further of the view that general reservations of the kind made by the Government of Kuwait, which do not clearly specify the extent of the derogation from the provisions of the Covenant, contribute to undermining the basis of international treaty law.

The Government of Finland therefore objects to the aforesaid reservations made by the Government of Kuwait to the International Covenant on Economic, Social and Cultural Rights.

This objection does not preclude the entry into force of the Covenant between Kuwait and Finland.

[Original: English]
[13 December 1999]

The Government of Finland has examined the contents of the declarations made by the Government of Bangladesh to articles 2, 3, 7, 8, 10 and 13 and notes that the declarations constitute reservations as they seem to modify the obligations of Bangladesh under the said articles.

A reservation which consists of a general reference to national law without specifying its contents does not clearly define for the other parties to the Convention the extent to which the reserving State commits itself to the Convention and therefore may raise doubts as to the commitment of the reserving State to fulfil its obligations under the Convention. Such a reservation is also, in the view of the Government of Finland, subject to the general principle of treaty interpretation according to which a party may not invoke the provisions of its domestic law as justification for a failure to perform its treaty obligations.

Therefore, the Government of Finland objects to the aforesaid reservations made by the Government of Bangladesh. This objection does not preclude the entry into force of the Convention between Bangladesh and Finland. The Convention will thus become operative between the two States without Bangladesh benefiting from these reservations.

FRANCE

[Original: French]

The Government of the Republic takes objection to the reservation entered by the Government of India to article 1 of the International Covenant on Economic, Social and Cultural Rights, as this reservation attaches conditions not provided for by the Charter of the United Nations to the exercise of the right of self-determination. The present declaration will not be deemed to be an obstacle to the entry into force of the Covenant between the French Republic and the Republic of India.

GERMANY

[Original: English]
[15 August 1980]

The Government of the Federal Republic of Germany strongly objects, ... to the declaration made by the Republic of India in respect of article 1 of the International Covenant on Economic, Social and Cultural Rights and of article 1 of the International Covenant on Civil and Political Rights.

The right of self-determination as enshrined in the Charter of the United Nations and as embodied in the Covenants applies to all peoples and not only to those under foreign domination. All peoples, therefore, have the inalienable right freely to determine their political status and freely to pursue their economic, social and cultural development. The Federal Government cannot consider as valid any interpretation of the rights of self-determination which is contrary to the clear language of the provisions in question. It moreover considers that any limitation of their applicability to all nations is incompatible with the object and purpose of the Covenants. '

[Original: German]
[25 October 1990]

The Federal Republic of Germany states the following regarding the declarations made by Algeria upon deposit of its instrument of ratification to the International Covenant on Economic, Social and Cultural Rights of 16 December 1966 and the International Covenant on Civil and Political Rights of 16 December 1966:

It interprets the declaration under paragraph 2 to mean that the latter is not intended to eliminate the obligation of Algeria to ensure that the rights guaranteed in article 8, paragraph 1, of the International Covenant on Economic, Social and Cultural Rights and in article 22 of the International Covenant on Civil and Political Rights may be restricted only for the reasons mentioned in the said articles and that such restrictions shall be prescribed by law.

It interprets the declaration under paragraph 4 to mean that Algeria, by referring to its domestic legal system, does not intend to restrict its obligation to ensure through appropriate steps equality of rights and responsibility of spouses as to marriage, during marriage and at its dissolution.

[Original: English]
[10 July 1997]

The Government of the Federal Republic of Germany has examined the contents of the interpretative declarations and reservations made by the Government of Kuwait upon accession to the International Covenant on Economic, Social and Cultural Rights.

The Government of the Federal Republic of Germany notes that article 2 (2) and article 3 have been made subject to the general reservation of national law. It is of the view that these general reservations may raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

The Government of the Federal Republic of Germany regards the reservation concerning article 8 (1) (d), in which the Government of Kuwait reserves the right not to apply the right to strike expressly stated in the Covenant, as well as the interpretative declaration regarding article 9, according to which the right to social security would only apply to Kuwaitis, as being problematic in view of the object and purpose of the Covenant. It particularly feels that the declaration regarding article 9, as a result of which the many foreigners working on Kuwaiti territory would, on principle, be totally excluded from social security protection, cannot be based on article 2 (3) of the Covenant.

It is in the common interest of all parties that a treaty should be respected, as to its object and purpose, by all parties.

The Government of the Federal Republic of Germany therefore objects to the above-mentioned general reservations and interpretative declarations.

This objection does not preclude the entry into force of the Covenant between Kuwait and the Federal Republic of Germany.

ITALY

[Original: English]
[25 July 1997]

The Government of Italy has examined the reservations made by the Government of Kuwait at the time of its accession to the International Covenant on Economic, Social and Cultural Rights. The Government of Italy notes that the said reservations relate to article 2, paragraph 2; article 3; article 8, paragraph 1 (d) and article 9.

The Government of Italy considers these reservations to be contrary to the object and the purpose of this International Covenant. The Government of Italy notes that the said reservations include a reservation of a general kind in respect of the provisions on the internal law.

The Government of Italy therefore objects to the aforesaid reservations made by the Government of Kuwait to the International Covenant on Economic, Social and Cultural Rights.

This objection does not preclude the entry into force in its entirety of the Covenant between the State of Kuwait and the Italian Republic.

NETHERLANDS

[Original: English]
[12 January 1981]

The Government of the Kingdom of the Netherlands objects to the declaration made by the Government of the Republic of India in relation to article 1 of the International Covenant on Civil and Political Rights and article 1 of the International Covenant on Economic, Social and Cultural Rights, since the right of self-determination as embodied in the Covenants is conferred upon all peoples. This follows not only from the very language of article 1 common to the two Covenants but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character.

[Original: English]
[18 March 1991]

In the opinion of the Government of the Kingdom of the Netherlands, the interpretative declaration made by Algeria concerning article 13, paragraphs 3 and 4, of the International Covenant on Economic, Social and Cultural Rights must be regarded as a reservation to the Covenant. From the text and history of the Covenant it follows that the reservation with respect to article 13, paragraphs 3 and 4, made by the Government of Algeria is incompatible with the object and purpose of the Covenant. The Government of the Kingdom of the Netherlands therefore considers the reservation unacceptable and formally raises an objection to it.

[Original: English]
[22 July 1997]

The Government of the Kingdom of the Netherlands has examined the interpretative declarations made by the Government of Kuwait at the time of its accession to the International Covenant on Economic, Social and Cultural Rights and considers the said declarations as reservations.

The Government of the Kingdom of the Netherlands notes that the declarations amount to reservations of a general nature in respect of the provisions of the Convention which are considered contrary to the national law of Kuwait.

The Government of the Kingdom of the Netherlands is of the view that these general reservations, which seek to limit the obligations of the reserving State by invoking its national law, may raise doubts as to the commitment of Kuwait to the object and purpose of the Convention.

It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under the treaties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid declarations made by the Government of Kuwait to the International Covenant on Economic, Social and Cultural Rights.

This objection shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Kuwait.

[Original: English]
[20 December 1999]

The Government of the Kingdom of the Netherlands has examined the declarations made by the Government of Bangladesh at the time of its accession to the International Covenant on Economic, Social and Cultural Rights and considers the declarations concerning articles 1, 2 and 3, and 7 and 8 as reservations.

The Government of the Kingdom of the Netherlands objects to the reservation made by the Government of Bangladesh in relation to article 1 of the said Covenant, since the right of self-determination as embodied in the Covenant is conferred upon all peoples. This follows not only from the very language of article 1 of the Covenant but as well from the most authoritative statement of the law concerned, i.e. the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in Accordance with the Charter of the United Nations. Any attempt to limit the scope of this right or to attach conditions not provided for in the relevant instruments would undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character. Furthermore, the Government of the Kingdom of the Netherlands objects to the reservations made by the Government of Bangladesh in relation to articles 2 and 3, and 7 and 8 of the said Covenant.

The Government of the Kingdom of the Netherlands considers that such reservations, which seek to limit the responsibilities of the reserving State under the Covenant by invoking national law, may raise doubts as to the commitment of this State to the object and purpose of the Covenant and, moreover, contribute to undermining the basis of international treaty law.

It is in the common interest of States that treaties to which they have chosen to become parties should be respected as to object and purpose by all parties.

The Government of the Kingdom of the Netherlands therefore objects to the aforesaid reservations made by the Government of Bangladesh.

These objections shall not preclude the entry into force of the Convention between the Kingdom of the Netherlands and Bangladesh.

NORWAY

[Original: English]
[22 July 1997]

The Government of Norway has examined the contents of the declarations and reservations made by the Government of Kuwait upon its accession to the above Covenant concerning article 2, paragraph 2, article 3, article 9 and article 8, paragraph 1 (d). The Government of Kuwait declares that the rights to which article 2, paragraph 2 and article 3 refer must be exercised in accordance with the limits set by Kuwaiti law. The Government of Kuwait furthermore states that the right in article 9 shall only apply to Kuwaiti workers and reserves the right not to apply the provisions of article 8, paragraph 1 (d). In the view of the Government of Norway, a statement by which a State party purports to limit its responsibilities by invoking general principles of internal law may create doubts about the commitment of the reserving State to the objective and purpose of the Convention and, moreover, contribute to undermining the basis of international treaty law. Under well-established treaty law, a State is not permitted to invoke internal law as justification for its failure to perform its treaty obligations. Furthermore, the Government of Norway finds the reservations made to article 8, paragraph 1 (d) and article 9 as being problematic in view of the object and purpose of the Covenant. For these reasons, the Government of Norway objects to the said reservations made by the Government of Kuwait.

The Government of Norway does not consider this objection to preclude the entry into force of the Covenant between the Kingdom of Norway and the State of Kuwait.

PORTUGAL

[Original: English]
[26 October 1990]

The Government of Portugal hereby presents its formal objection to the interpretative declarations made by the Government of Algeria upon ratification of the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights. The Government of

Portugal having examined the contents of the said declarations reached the conclusion that they can be regarded as reservations and therefore should be considered invalid as well as incompatible with the purposes and object of the Covenants.

This objection shall not preclude the entry into force of the Covenants between Portugal and Algeria.

SWEDEN

[Original: English]
[23 July 1997]

The Government of Sweden has examined the contents of the interpretative declarations and reservation made by the Government of Kuwait upon accession to the International Covenant on Economic, Social and Cultural Rights.

The Government of Sweden notes that article 2 (2) and article 3 have been made subject to the general reservation of national law. It is of the view that these general reservations may raise doubts as to the commitment of Kuwait to the object and purpose of the Covenant.

The Government of Sweden regards the reservation concerning article 8 (i) (d), in which the Government of Kuwait reserves the right not to apply the right to strike expressly stated in the Covenant, as well as the interpretative declaration regarding article 9, according to which the right to social security would only apply to Kuwaitis, as being problematic in view of the object and purpose of the Covenant. It particularly considers the declaration regarding article 9, as a result of which the many foreigners working on Kuwaiti territory would, in principle, be totally excluded from social security protection, cannot be based on article 2 (3) of the Covenant.

It is in the common interest of all parties that a treaty should be respected, as to its object and purpose, by all parties.

The Government of Sweden therefore objects to the above-mentioned general reservations and interpretative declarations.

This objection does not preclude the entry into force of the Covenant between Kuwait and Sweden in its entirety.

[Original: English]
[14 December 1999]

In the context of the declarations made by Bangladesh upon accession, the Government of Sweden would like to recall that under well-established international treaty law, the name assigned to a statement whereby the legal effect of certain provisions of a treaty is excluded or modified does not determine its status as a reservation to the treaty. Thus, the Government of Sweden considers that the declarations made by the Government of Bangladesh, in the absence of further clarification, in substance constitute reservations to the Covenant. The declaration concerning article 1 places on the exercise of the right of peoples to self-determination

conditions not provided for in international law. To attach such conditions could undermine the concept of self-determination itself and would thereby seriously weaken its universally acceptable character. Furthermore, the Government of Sweden notes that the declaration relating to articles 2 and 3 as well as 7 and 8 respectively imply that these articles of the Covenant are being made subject to a general reservation referring to relevant provisions of the domestic laws of Bangladesh. Consequently, the Government of Sweden is of the view that, in the absence of further clarification, these declarations raise doubts as to the commitment of Bangladesh to the object and purpose of the Covenant and would recall that, according to well-established international law, a reservation incompatible with the object and purpose of a treaty shall not be permitted.

It is in the common interest of States that treaties to which they have chosen to become parties are respected, as to their object and purpose, by all parties and that States are prepared to undertake any legislative changes necessary to comply with their obligations under these treaties. The Government of Sweden therefore objects to the aforesaid general reservations made by the Government of Bangladesh to the International Covenant on Economic, Social and Cultural Rights.

This objection does not preclude the entry into force of the Covenant between Bangladesh and Sweden. The Covenant will thus become operative between the two States without Bangladesh benefiting from the declarations.

III. TERRITORIAL APPLICATION

Participant	Date of receipt of the notification	Territories
Netherlands	11 December 1978	Netherlands Antilles
Portugal	27 April 1993	Macau[8]
United Kingdom of Great Britain and Northern Ireland	20 May 1976	Bailiwick of Guernsey, the Bailiwick of Jersey, the Isle of Man, Belize, Bermuda, the British Virgin Islands, the Cayman Islands, the Falkland Islands and Dependencies.[3] Gibraltar, the Gilbert Islands, Hong Kong, Montserrat, the Pitcairn Group, St. Helena and Dependencies, the Solomon Islands, the Turks and Caicos Islands and Tuvalu

Notes

[1] United Nations publication, Sales No. E.98.V.5. May also be found on the United Nations Web site: http://www.un.org/Depts/Treaty/bible.htm.

[2] The thirty-fifth instrument of ratification or accession was deposited with the Secretary-General on 3 October 1975. The Contracting States did not object to having those instruments accompanied by reservations taken into account under article 27 (1) for the purpose of determining the date of general entry into force of the Covenant.

[3] On 3 October 1983 the Secretary-General received from the Government of Argentina the following objection:

> "[The Government of Argentina makes a] formal objection to the [declaration] of territorial extension issued by the United Kingdom with regard to the Malvinas Islands (and dependencies), which that country is illegally occupying and refers to as the 'Falkland Islands'.
>
> "The Argentine Republic rejects and considers null and void the [said declaration] of territorial extension."

In this regard, the Secretary-General received on 28 February 1985 from the Government of the United Kingdom of Great Britain and Northern Ireland the following declaration:

> "The Government of the United Kingdom of Great Britain and Northern Ireland have no doubt as to their right, by notification to the Depositary under the relevant provisions of the above-mentioned Convention, to extend the application of the Convention in question to the Falkland Islands or to the Falkland Islands Dependencies, as the case may be.

"For this reason alone, the Government of the United Kingdom are unable to regard the Argentine [communication] under reference as having any legal effect."

Subsequently, upon ratification, the Government of Argentina made the following declaration:

"The Argentine Republic rejects the extension, notified to the Secretary-General of the United Nations on 20 May 1976 by the United Kingdom of Great Britain and Northern Ireland, of the application of the International Covenant on Economic, Social and Cultural Rights, adopted by the General Assembly of the United Nations on 16 December 1966, to the Malvinas, South Georgia and South Sandwich Islands, and reaffirms its sovereign rights to those archipelagos, which form an integral part of its national territory.

"The General Assembly of the United Nations had adopted resolutions 2065 (XX), 3160 (XXVIII), 31/49, 37/9, 38/12, 39/6 and 40/21 in which it recognizes the existence of a sovereignty dispute regarding the question of the Falkland Islands (Malvinas) and urges the Argentine Republic and the United Kingdom of Great Britain and Northern Ireland to pursue negotiations in order to find as soon as possible a peaceful and definitive solution to the dispute, through the good offices of the Secretary-General of the United Nations, who shall inform the General Assembly of the progress made."

[4] In a communication received on 10 May 1982, the Government of Solomon Islands declared that Solomon Islands maintains the reservations entered by the United Kingdom save insofar as the same cannot apply to Solomon Islands.

[5] In a communication received on 14 January 1976, the Government of Denmark notified the Secretary-General that it withdrew its reservation made previously with regard to article 7 (a) (i) on equal pay for equal work.

[6] Addendum to depositary notification C.N.9. 1982. Treaties-1, dated 4 February 1982.

[7] In two communications received by the Secretary-General on 10 July 1969 and 23 March 1971 respectively, the Government of Israel declared that it "has noted the political character of the declaration made by the Government of Iraq on signing and ratifying the above Covenants". In the view of the Government of Israel, these two Covenants are not the proper place for making such political pronouncements. The Government of Israel will, insofar as concerns the substance of the matter, adopt towards the Government of Iraq an attitude of complete reciprocity.

Identical communications, mutatis mutandis, were received by the Secretary-General from the Government of Israel on 9 July 1969 in respect of the declaration made on accession by the Government of the Syrian Arab Republic, and on 29 June 1970 in respect of the declaration made on accession by the Government of the Libyan Arab Jamahiriya. In the

latter communication, the Government of Israel moreover stated that the declaration concerned "cannot in any way affect the obligations of the Libyan Arab [Jamahiriya] already existing under general international law".

[8] In its notification of territorial application to Macau, the Government of Portugal stated the following:

... The Covenants are confirmed and proclaimed binding and valid, and they shall have effect and be implemented and observed without exception, bearing in mind that:

Article l. The International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, ratified, respectively, by Act No. 29/78 of 12 June, and by Act No. 45/78 of 11 July, shall be applicable in the territory of Macau.

Article 2. 1. The applicability in Macau of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and in particular of article 1 in both Covenants, shall in no way affect the status of Macau as defined in the Constitution of the Portuguese Republic and in the Organic Statute of Macau.

2. The applicability of the Covenants in Macau shall in no way affect the provisions of the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau, signed on 13 April 1987, especially with respect to the provision specifying that Macau forms part of Chinese territory and that the Government of the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999, and that Portugal will be responsible for the administration until 19 December 1999.

Article 3. Article 25 (b) of the International Covenant on Civil and Political Rights shall not apply to Macau with respect to the composition of elected bodies and the method of choosing and electing their officials as defined in the Constitution of the Portuguese Republic, the Organic Statute of Macau and provisions of the Joint Declaration on the Question of Macau.

Article 4. Article 12 (4) and article 13 of the International Covenant on Civil and Political Rights shall not apply to Macau with respect to the entry and exit of individuals and the expulsion of foreigners from the territory. These matters shall continue to be regulated by the Organic Statute of Macau and other applicable legislation, and also by the Joint Declaration on the Question of Macau.

Article 5. 1. The provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights that are applicable to Macau shall be implemented in Macau, in particular through specific legal documents issued by the organs of government of the territory.

2. The restrictions of the fundamental rights in Macau shall be confined to those cases prescribed by law and shall not exceed the limits permitted by the applicable provisions of the aforementioned Covenants.

Subsequently, the Secretary-General received the following communications:

Portugal (21 October 1999):

> "In accordance with the Joint Declaration of the Government of the Portuguese Republic and the Government of the People's Republic of China on the Question of Macau signed on 13 April 1987, the Portuguese Republic will continue to have international responsibility for Macau until 19 December 1999 and from that date onwards the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999.
>
> From 20 December 1999 onwards the Portuguese Republic will cease to be responsible for the international rights and obligations arising from the application of the Convention to Macau."

China (3 December 1999):

In accordance with the Joint Declaration of the Government of the People's Republic of China and the Government of the Republic of Portugal on the Question of Macau signed on 13 April 1987 (hereinafter referred to as the Joint Declaration), the Government of the People's Republic of China will resume the exercise of sovereignty over Macau with effect from 20 December 1999. Macau will, from that date, become a Special Administrative Region of the People's Republic of China and will enjoy a high degree of autonomy, except in foreign and defence affairs which are the responsibilities of the Central People's Government of the People's Republic of China.

It is provided both in Section VIII of Elaboration by the Government of the People's Republic of China of its Basic Policies Regarding Macau, which is Annex I to the Joint Declaration, and Article 138 of the Basic Law of the Macau Special Administrative Region of the People's Republic of China (hereinafter referred to as the Basic Law), which was adopted on 31 March 1993 by the National People's Congress of the People's Republic of China, that international agreements to which the People's Republic of China is not yet a party but which are implemented in Macau may continue to be implemented in the Macau Special Administrative Region.

In accordance with the above provisions, [the Government of the People's Republic of China informs the Secretary-General of the following:]

The International Covenant on Economic, Social and Cultural Rights, adopted at New York on 16 December 1966 (hereinafter referred to as the "Covenant"), which applies to Macau at present, will continue to apply to the Macau Special Administrative Region with effect from 20 December 1999. The Government of the People's Republic of China also wishes to make the following declaration:

1. The application of the Covenant, and its article 1 in particular, to the Macau Special Administrative Region shall not affect the status of Macau as defined in the Joint Declaration and in the Basic Law.

2. The provisions of the Covenant which are applicable to the Macau Special Administrative Region shall be implemented in Macau through legislation of the Macau Special Administrative Region.

The residents of Macau shall not be restricted in the rights and freedoms that they are entitled to, unless otherwise provided for by law. In case of restrictions, they shall not contravene the provisions of the Covenant that are applicable to the Macau Special Administrative Region.

Within the above ambit, the Government of the People's Republic of China will assume the responsibility for the international rights and obligations that place on a Party to the Covenant.

Annex

STATES PARTIES WHICH MADE RESERVATIONS AND DECLARATIONS

Articles of the Covenant	States parties
Article 1	Algeria, India, United Kingdom of Great Britain and Northern Ireland
Article 1, paragraph 3	Guinea, Romania
Article 2, paragraph 2	Bangladesh, Belgium, Ireland, Kuwait, Monaco
Article 2, paragraph 3	Belgium, United Kingdom of Great Britain and Northern Ireland
Article 3	Bangladesh, Kuwait
Article 4	India
Article 6	France, Monaco, United Kingdom of Great Britain and Northern Ireland
Article 7	Bangladesh
Article 7 (a)	Barbados, United Kingdom of Great Britain and Northern Ireland
Article 7 (c)	India
Article 7 (d)	Denmark, Japan, Sweden
Article 8	Algeria, Bangladesh, France, India, Mexico, Monaco, New Zealand
Article 8, paragraph 1 (a)	China
Article 8, paragraph 1 (b)	United Kingdom of Great Britain and Northern Ireland
Article 8, paragraph 1 (d)	Japan, Kuwait, Netherlands, Norway, Trinidad and Tobago
Article 8, paragraph 2	Japan, Monaco, Trinidad and Tobago
Article 9	France, Kuwait, Monaco, United Kingdom of Great Britain and Northern Ireland
Article 10	Bangladesh
Article 10, paragraph 1	United Kingdom of Great Britain and Northern Ireland
Article 10, paragraph 2	Barbados, Kenya, New Zealand, United Kingdom of Great Britain and Northern Ireland
Article 11	France, Monaco
Article 13	Bangladesh, France, Monaco, Rwanda
Article 13, paragraph 2	Madagascar

Articles of the Covenant	States parties
Article 13, paragraph 2 (a)	Barbados, Ireland, United Kingdom of Great Britain and Northern Ireland, Zambia
Article 13, paragraph 2 (b)	Japan
Article 13, paragraph 2 (c)	Japan
Article 13, paragraph 3	Algeria, Malta
Article 13, paragraph 4	Algeria
Article 14	Algeria, Guinea, Romania, United Kingdom of Great Britain and Northern Ireland
Article 26, paragraph 1	Afghanistan, Bulgaria, Guinea, Hungary, Mongolia, Romania, Russian Federation, Syrian Arab Republic, Ukraine, Viet Nam
Article 26, paragraph 3	Afghanistan, Bulgaria, Hungary